

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION**

In Re:

Case No. 19-12429

Douglas R. Majoras
Pamela R. Majoras

Chapter 13

Debtors.

Judge Arthur I. Harris

OBJECTION TO CHAPTER 13 PLAN

U.S. Bank Trust National Association, as Trustee of the Chalet Series III Trust (“Creditor”) by and through their undersigned counsel, hereby objects to the Debtors’ Proposed Chapter 13 Plan filed on April 30, 2018. This objection is hereby supported by the following memorandum.

MEMORANDUM

Creditor holds a secured interest in the Real Estate located at 429 Aldrivh Road, Vermilion, OH 44089. Debtors filed for relief under Title 11 of the United States Code on April 23, 2019. Prior to the filing of this bankruptcy, the property was sold at foreclosure sale on April 10, 2019. The state court action in Lorain County case number 18CV195463 asserts a docket entry on April 12, 2019 as follows

“Sheriff’s Return – I sold within premises to: Federal National Mortgage Association (“Fannie Mae”) a corporation organized and existing under the laws of the United States of America in the amount of \$50,036.00 on 4/10/19 at 10:15am (PD Directly to MJ) Ad Id: 1763045 Phil R. Stammitti, Sheriff”.

The precedent on this matter has long been established. Judge Morgenstern-Clarren decided this issue clearly in *In re: Francis Crawford* (232 B.R. 92 (1999) N.D. Ohio) which states in pertinent part “This Court agrees with the courts which find that the language of § 1322(c)(1) is not ambiguous. The statute says that a default may be cured "until such residence is sold at a foreclosure sale that is conducted in accordance with applicable nonbankruptcy law[.]” In light of the conclusion of the foreclosure sale, which was conducted and concluded under proper Ohio legal procedure and code, prior to the filing of the Bankruptcy, Debtors no longer have the right to cure and maintain this property under their Proposed Chapter 13 Plan.

The Chapter 13 Plan does not adequately protect the Creditor’s interest in said property and should therefore be denied confirmation.

Respectfully Submitted,

/s/ Molly Slutsky Simons

Molly Slutsky Simons (0083702)

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Attorney for Creditor

CERTIFICATE OF SERVICE

I certify that on June 21, 2019, a true and correct copy of this Objection was served:

Via the Court's ECF System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Scott W. Paris, Debtors' Counsel
sparis@parislawohio.com

Lauren A. Helbling, Trustee
ch13trustee@ch13cleve.com

Office of the U.S. Trustee
(registeredaddress)@usdoj.gov

And by regular U.S. Mail, postage pre-paid on:

Douglas R. Majoras, Debtor
429 Aldrich Road
Vermilion, OH 44089

Pamela R. Majoras, Debtor
429 Aldrich Road
Vermilion, OH 44089

/s/ Molly Slutsky Simons

Molly Slutsky Simons (0083702)
Attorney for Creditor